IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 790 of 2005

Between:

P. Subbarayudu, S/o. Somaiah,
R/o. Narasimhapuram, Vaikuntapadu Mandal,

Nellore District. ..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep by the District Collector,
Nellore Dsitrict, at Nellore.
2 The Revenue Divisional Officer, Kavali Revenue Division, at Kavali,
Nellore District.
3 The Mandal Revenue Officer, Vaikuntapadu Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more in the nature of Mandamus, declaring the action of the respondents in trying to dispossess the from the land situated in Sy.No. 447/4p of Toorpu Rompidodla Village, Vaikuntapadu Mandal, Nellore District to an extent of Ac. 3.20 cents without passing any orders on the explanation submitted pursuant to the notice issued Under Section 3 of the Land Encroachment Act and without giving an opportunity as being illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India.

Counsel for the Petitioner : Mr.D.SESHADRI NAIDU

Counsel for Respondents : G.P. FOR REVENUE

The Court made the following :

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 790 of 2005

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for the Respondents and both of them agreed for disposal of the writ petition at the stage of admission.

The petitioner claims to be owner of Ac.3-20 in Survey No. 447-4P of Toorpu Rampidodla village, Vaikuntapadu Mandal, Nellore District by virtue of D-Form Patta granted by third respondent vide proceedings dated 1.10.2003. The petitioner also states that basing on the D-Form patta, he was also granted pattedar passbook and that he has been in possession of the property and his name was also mutated in the revenue records. The petitioner states that the third respondent issued notice in Form No. I in proceedings L.C.C. No. 149/2004, dated 24.7.2004 under Rule 3 of the A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977 calling upon the petitioners as to why they should not be summarily evicted from the land in question. It is stated that the petitioner has submitted his explanation to the said show cause notice on 2.12.2004. The grievance of the petitioners in this writ petition is that the respondents without considering his representation are trying to evict the petitioners from the land in question. Hence the writ petition.

Since no orders have been passed by the respondents on the explanation submitted by the petitioner pursuant to the impugned notice, I deem it appropriate to dispose of the writ petition directing the respondents to consider and dispose of the explanation/representation submitted by the petitioner to the show cause notice, and pass appropriate orders thereon in accordance with law. Till passing of such orders, the respondents are directed not to dispossess the petitioner from the land in question.

With the above directions, the writ petiton is disposed of. No costs.

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N.V.RAMANA, J

Date: 25.1.2005

Note: Wire at Party's costs.

B/o

DA/KSR

To

1 The District Collector, Government of Andhra Pradesh,
Nellore Dsitrict, at Nellore.
2 The Revenue Divisional Officer, Kavali Revenue Division, at Kavali,
Nellore District.
3 The Mandal Revenue Officer, Vaikuntapadu Mandal, Nellore District.

4 Two CCs to the G.P. for Revenue, High Court Buildings,
Hyderabad (OUT).

5 Two CD copies.